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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/248,873 02/11/99 BENNETT

D B-61030

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PM92/0409

EXAMINER

SUCHFIELD, G

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/248,873

Applicant(s)
Bennett et al

Examiner
George Suchfield

Group Art Unit
3672



☒ Responsive to communication(s) filed on Aug 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 7-18 is/are allowed.

☒ Claim(s) 1, 2, and 4-6 is/are rejected.

☒ Claim(s) 3 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3672

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

In Figures 3 and 4, no reference label 10 is provided as disclosed (see page 11, line 8 - page 12, line 7). Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hart et al'896.

Figures 1, col. 5, lines 45-68; col. 6, lines 11-32 and col. 7, lines 9-30 are particularly relied upon. Hart et al depicts a pump rod (12) has a rod guide (10) positioned thereon through a

Art Unit: 3672

spool (25) assembly which further includes a sleeve (24) which is molded to the sucker rod body, and said sleeve(24) may comprise a polymer which is "relatively hard and abrasive resistant" (col. 7, lines 9-19).

While not illustrated in the drawing figures, pump rod (12) may actually comprise a plurality of pump rod sections attached through coupling means (note col. 5, lines 60-63). Thus, "rod" (12) on which the rod guide (10) is mounted, is actually a pump rod section including means for coupling to other rod sections. Insofar as the rod guide (10) is to protect the pump rod section on which it is mounted, it is deemed that rod guide (10), and thus sleeve (24) over which the rod guide is positioned, is inherently or obviously "extending over a major portion of the length of said pump rod", as broadly recited in claim 1, in order to adequately protect the pump rod.

It is deemed that the polymer material from which the spool (25) and sleeve (24) are fabricated, being hard and abrasive resistant will necessarily or obviously possess a greater coefficient of friction than the pump rod (12), as called for in claim 2.

The limitations of claims 4-6 appear to be encompassed by Hart et al, overall, depending on the particular polymer material utilized and/or available in providing the spool (25) and sleeve (24). Also, the sleeve(24) could snug-fit the pump rod (12) and/or expand at the same rate as the pump rod (12) depending on the characteristics of the wellbore environment in which the pump rod (12) of Hart et al is deployed.

Art Unit: 3672

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references disclose pump rods deployed in a well which include wear guide, centralizer and/or sleeve means, and associated methods for assembling and/or emplacing.

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


7. Claims 7-18 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is (703) 308-2152.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for this Group is (703) 305-3597, (703) 305-7687 or (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

gs/Suchfield
April 4, 2001


George Suchfield
Primary Examiner
Art Unit 3672